Energy Efficiency Developments in the Midwest – Viable Alternative to Fossil Fuels or Wish Watts that Disrupt Effective Grid Planning?

As we ring in the new year of 2012, the industry is full of both hope and change. While many harbor hopes that the significant strides made in energy efficiency and other renewable energy developments will help America become more energy independent and enjoy a cleaner environment in future years, others are concerned that such change isn’t necessarily for the better. Will 2012 be a year of revelation or tribulation? Here in the Midwest, it is unclear exactly what changes lie ahead. FERC Order 1000 imposes new mandates on utility companies to plan beyond their own service territories – regionally and even inter-regionally. Will these new mandates increase costs to consumers? How will the developments in energy efficiency, natural gas and new energy sources figure into the equation? Can these resources be relied upon without backup? Will these new avenues negate the need for additional transmission spending or will these new sources require even more focus on transportation? And how will all the new federal regulations, EPA, CFTC, impact stakeholders seeking to meet energy needs at reasonable rates? These questions and more will be addressed at the Regional Midwest Energy Conference in Des Moines, Iowa. We hope you will join us in the debate surrounding the development of a secure and robust energy future in the Midwest and across the country.

**PROGRAM SCHEDULE**

**MONDAY, MARCH 12, 2012**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>5:30 p.m.</td>
<td>MIDWEST CHAPTER BUSINESS MEETING</td>
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<tr>
<td>5:45 p.m.</td>
<td>RECEPTION</td>
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<td>Hosted by the Brown Winick Law Firm</td>
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<td></td>
<td>666 Grand Ave, Suite 2000, Des Moines, IA</td>
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<td>*Accessible to hotel via skywalk</td>
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**TUESDAY, MARCH 13, 2012**

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<th>Time</th>
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<tr>
<td>8:00 a.m.</td>
<td>REGISTRATION</td>
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<tr>
<td>8:30 a.m.</td>
<td>WELCOME AND INTRODUCTION</td>
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<td>Paula N. Johnson</td>
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<td>President, Midwest Chapter of the Energy</td>
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<td>Bar Association</td>
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<td></td>
<td>Senior Attorney - Regulatory, Alliant Energy</td>
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<tr>
<td></td>
<td>Introduction: Derek A. Dyson</td>
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<td>President, Energy Bar Association</td>
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<td>Duncan, Weinberg, Genzer &amp; Pembroke, P.C.</td>
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<td></td>
<td>The Honorable Elizabeth S. Jacobs</td>
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<td>Chair</td>
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<td>Iowa Utilities Board</td>
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<tr>
<td>9:15 -</td>
<td>Natural Gas in the New Energy Economy</td>
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<tr>
<td>10:30 -</td>
<td>10:30 a.m.</td>
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With currently stable natural gas prices and a steady supply, shale development and hydraulic fracturing, the energy industry’s attention is seemingly once again turning to natural gas. And with that attention, naturally, come questions. How have current conditions changed the natural gas market and supply situation? How has FERC Order 698 affected the interplay between electric energy and natural gas supply? What are the trends in Section 5 natural gas pipeline rates investigations? What is the current status of natural gas infrastructure integrity?

**Moderator:** Laura Demman  
Director and Legal Counsel, Natural Gas and Pipelines  
Nebraska Public Service Commission

**Panelists:**  
Karl Stanley  
Vice President, Commercial Operations  
Northern Indiana Public Service Company  
Lisa Epifani  
Van Ness Feldman, P.C.  
Bambi Heckerman  
Vice President  
Brown, Williams, Moorhead & Quinn, Inc.  
Robert J. Amdor  
Regulatory Services Manager  
Black Hills Energy

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<tr>
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<tr>
<td>10:30 -</td>
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<tr>
<td>10:45 a.m.</td>
<td>The Economics of Traditional Base Load</td>
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<td>Energy in a Gas Surplus Environment</td>
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Traditionally, base load energy facilities have triggered thoughts of coal and nuclear facilities. With changing environmental regulations, the decline in new coal plants builds, and the continued capital intensity of nuclear power, will these traditional notions continue? What exactly is the place of coal in the current energy marketplace? Will nuclear owners build new plants and continue upgrading and extending the lives of existing plants, or are small modulars on the rise? Will the current availability of natural gas coupled with the EPA’s changing emissions regulations begin to push base load energy portfolios toward natural gas?
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<tr>
<th>Moderator:</th>
<th>The Honorable Robert S. Kenney</th>
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<td>Commissioner</td>
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<td>Missouri Public Service Commission</td>
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<td>Panelists:</td>
<td>Rich Singer</td>
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<td>Vice President Fuel Emissions and</td>
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<td>Joel J. Schmidt</td>
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<td>Vice President, Regulatory and Financial Planning</td>
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<td>12:00 - 1:15 p.m.</td>
<td><strong>LUNCHEON AND KEYNOTE SPEAKER</strong></td>
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<td>Introduction:</td>
<td>Paula N. Johnson</td>
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<td>Senior Attorney - Regulatory, Alliant Energy</td>
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<td>Speaker:</td>
<td>Michael Bardee</td>
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<td>General Counsel</td>
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<td>Federal Energy Regulatory Commission</td>
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<td>1:15 - 2:30 p.m.</td>
<td><strong>The Emerging Role of New Energy Sources</strong></td>
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<td>The current era has brought new attention not only to traditional energy resources, but also to a number of new resources and emerging technologies. As always, with new technologies come new questions. What kind of role will renewable energy resources play? Are energy efficiency practices effective as more than a bill management tool for customers and a load management tool for utilities? As SmartGrid implementation continues, what kind of impacts are we likely to see?</td>
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<td>Dr. David C. Boyd</td>
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<td>Minnesota Public Utilities Commission</td>
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<td>Iowa Office of Consumer Advocate</td>
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<td>Jay Wrobel</td>
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<td>Midwest Energy Efficiency Alliance</td>
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<td>2:30 - 2:45 p.m.</td>
<td><strong>BREAK</strong></td>
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<td>2:45 - 4:00 p.m.</td>
<td><strong>Managing Compliance with Energy Regulations</strong></td>
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<td>Public utilities, whether in a state with territory monopolization or retail choice, remain extensively regulated entities, and these regulations are ever-evolving. The industry is wise to monitor the over-arching effects of these advancing areas. For example, with the recent stay of the new EPA regulations regarding emissions, could stricter emissions standards of CSAPR will come into effect or could successor regulations develop? How has the Dodd-Frank regulations impacted energy traders? What are the current and evolving trends in FERC and NERC oversight? How is market manipulation handled by and between FERC and the CFTC?</td>
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<td>Moderator:</td>
<td>The Honorable Mark Sievers</td>
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<td>Kansas Corporation Commission</td>
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<td>Janice Moore</td>
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<td>Pierce Atwood LLP</td>
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<td>Daniel E. Frank</td>
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<td>Stephen G. Kozev</td>
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<td>Howard &amp; Howard</td>
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<td>Ice Miller LLP</td>
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Natural Gas in the New Energy Economy
Shale Gas & Volatility - Agenda

- History of Henry Hub Prompt Month Daily Closing Prices
  - First 6 years (2002 – 2008)
  - Next 3 years (2008 – 2011)

- History of Gas Daily pricing for respective locations
  - Last 3 years (2008 – 2011)

- Changing Face of Domestic Natural Gas Production
  - LNG Imports through time
  - Increasing production of shale gas
  - Changing supply sources and geography
  - Impact of Hurricanes
  - Storage Developments

- Historic Volatility in the Natural Gas Market
  - Daily physical price market movement
  - Reaction of supply to fluctuations in demand (flattening of peaks)
  - Changing basis relationships due to geographic supply differences
  - Changing slope of the forward curve and its rate of change
NYMEX Prompt Month (2002 – 2008)
Gas Daily (2009 - 2011)

- Chicago Citygate-Midwest
- Columbia Gas, APP (TCO)
- Tenn LA 500 Leg
- Panhandle Eastern
- Trunkline ELA

**Price Range:**
- $8.000
- $7.000
- $6.000
- $5.000
- $4.000
- $3.000
- $2.000
- $1.000
- $0.000
Figure 85. Net U.S. imports of natural gas, 1970-2025 (trillion cubic feet)

- **History**
- **Projections**
  - Overseas LNG
  - Canada
  - Mexico

Timeline:
- 1970
- 1980
- 1990
- 2003
- 2015
- 2025
Figure 84. Lower 48 onshore natural gas production by supply region, 1990-2025 (trillion cubic feet)
Figure 7
Current Unconventional US Lower-48 Gas Hot Spots

Source: Cambridge Energy Research Associates.
Updated May 2005
40916-45
Shale Gas Plays – 2010

Shale Gas Plays, Lower 48 States

Source: Energy Information Administration based on data from various published studies.
Updated: March 10, 2010
Natural Gas Production – 2009

U.S. Natural Gas Production, 1990-2035

Natural Gas Production – 2009

Diagram showing the different types of natural gas reservoirs, including conventional associated gas, conventional non-associated gas, coalbed methane, oil, tight sand gas, and gas-rich shale. The diagram also indicates the land surface, sandstone, and seal layers.

Source: U.S. EIA Office of Energy Statistics
NYMEX Forward Curves (2009)
Summary

- Earlier in the decade, the silver bullet of supply had been LNG.
- Growing demand was not being met with adequate domestic supply.
- LNG was going to fill the supply imbalance
- Relying on LNG would have produced a global market
  - Global market would be influenced by oil market movements
  - Global market would introduce more factors to generate volatility
  - Increasing dependence on international peace
- The technology advancements in shale production –
  - Reduced reliance on LNG supply
  - Reduced the breakeven cost of production
  - Changed the game in terms of production shutting down and starting up
- The results to date show:
  - Continued re-calibration in forward market assessments
  - Decreased spreads between summer and winter
Trends in Natural Gas Act Section 5 Investigations

By Bambi Heckerman
Vice President of Brown, Williams, Moorhead and Quinn, Inc.
Background

- Over last 50+ years, relatively small number of Natural Gas Act (NGA) Section 5 cases
  - Triggered primarily by third-party complaints

- Since November 2009, FERC opened 8 separate NGA Section 5 investigations

- Plus third party complaints
NGA Section 5

- Initiated by complaint or FERC’s own motion
- Burden of proof on party requesting review
- May result in FERC finding –
  - Existing tariff “rate” is unjust, unreasonable, unduly discriminatory, or preferential, and
  - Another “rate” (lower), is just and reasonable (J&R)
- New J&R rate effective after FERC order
- No refund authority
Section 5 Versus Section 4

- Section 4 –
  - Pipeline proposes just and reasonable “rate”
  - 18 CFR Part 154
    - Requirements and process for proposed changes in rates and tariff
  - Pipelines have burden of proof (“persuasion”)
  - Refund exposure

- Recent FERC Section 5 investigations
  - Requires P/L to file cost and revenue study (C&R) under 154.312
  - Blurred line between Section 4 and 5
    - Section 14(a)
      - FERC has right to open investigations
    - Section 10(a) Of NGA
      - FERC has right to require pipeline’s to supply information
Regulatory and Business Climate

- Fewer rate cases –
  - Order No. 636 – Pipelines no longer merchants
    - Mandated unbundling and SFV rate design
    - Dissolved 3 Yr. filing requirement/PGA’s

- FERC policies - new infrastructure pricing and rate alternatives

- Order No. 710 – expanded reporting requirements

- Increased pressure by industry participants
Section 5 Triggers

- FERC conducted C&R studies based upon Form 2

- FERC’s stated criteria for initiating investigations:
  - Actual ROEs in excess of 20%
  - Pipelines with no comeback provisions or rate moratoria
  - Level of infrastructure spending
  - Additional scrutiny for pipelines with substantial revenues from sales of excess gas (fuel rates)
Recent Section 5 Requirements

- Cost and revenue study in 75 days
  - Most recent 12 month period – base period
  - Allows adjustments within base period
- Includes all Section 154.312 schedules - except Statement P
- Optional pipeline C&R study with adjustments 6 months beyond base period

- If a third party initiates (complaint) – FERC Litigation Staff considers it that third party’s case
  - Unless it’s FERC policy issue
Section 5 Investigations Brought by FERC

2009 Section 5 Investigations
- Natural Gas Pipeline Company of America (RP10-147)
- Great Lakes Gas Transmission (RP10-149)

2010 Section 5 Investigations
- Northern Natural Gas Company (RP10-148)
- Kinder Morgan (RP11-1494)

2011 Section 5 Investigations
- Ozark Gas Transmission (RP11-1495)
- ANR Storage (RP12-123)
- Bear Creek Storage (RP12-121)
- MIGC LLC (RP12-122)
Recent Section 5 Investigations – 3rd Party Complaints

- Tuscarora Gas Transmission (RP11-1823)
  - Rate issue
  - Brought by Nevada Commission and Sierra Pacific (a former owner)
- El Paso (RP10-951)
  - Postage Stamp Fuel Recovery
  - Brought by Texas Gas Service
- NNG (RP11-2061)
  - Fuel rate filing turned into reservation charge credit proceeding
- Potentially, Texas Eastern (RP12-318)
FERC Staff Section 5 Objectives

- Settlements
- Lower rates
- A come-back provision
Results

• 2009 Cases:
  • NGPL
    • Rates progressively lowered from 3% to 8% by July 2011
    • Fuel rates progressively lowered from 30% to 45% by July 2011
    • Cost and revenue study on or before June 1, 2015, based on actual data for the 12-month period ending December 31, 2014
    • Rate moratorium until April 1, 2016
  • Northern Natural
    • Prepared a Section 4 case
    • Proceeding terminated at request of shippers
    • One-year rate moratorium
    • No come-back provision
2009 Cases (continued):

- **Great Lakes**
  - 8% rate reduction w/ revenue sharing above a cap
  - Section 4 moratorium until June 1, 2011
  - Section 5 moratorium until November 1, 2012
  - Must file Section 4 rate case by November 1, 2013
Results

• 2010 Cases:
  • Kinder Morgan
    • Fuel rates progressively lowered from 27% to 30% by January 1, 2012
    • One-year rate case moratorium
    • Cost and revenue study w/in 4 years
  • Ozark
    • No change in rates or fuel retention percentages
    • Revenue sharing above a cap
    • One-year rate case moratorium
    • Section 4 filing w/in 4 years
Results

- Bear Creek Storage
  - Filed C&R study on January 31, 2012
  - Fully depreciated, base gas is rate base
  - 100% Equity, 13.5% ROE
  - Reserved rights to file positions in answering testimony

- ANR Storage
  - Filed C&R study on January 31, 2012
  - Fully depreciated – management fee
  - 17% ROE on 100% Equity
  - Market-based rate argument

- MIGC filing C&R - February 29, 2012
Section 5 - Status of Shipper Initiated Complaints

- Tuscarora – Settlement Filed
  - Rate decrease & 3Yr. contract extension
  - 3 Yr. Moratorium & no comeback

- El Paso – ALJ dismissed fuel rate design complaint, subject to FERC order
Commission May Initiate Section 5 within Section 4 Proceeding

- In *NGSA, 135 FERC ¶ 61,055* the Commission stated:
  - “If any shipper or shippers believe that [the] pipeline’s tariff does not comply with Commission policy and the pipeline is not taking appropriate action to bring its tariff into compliance, they can file a complaint alleging non-compliance and, seek section 5 relief, or raise the issue in any section 4 filing by that pipeline.”

- NNG – Section 4 tariff change resulted in Section 5 complaint on reservation charge credit
- Several other pipelines have had similar experience
More Section 5 Cases?

- Most likely -
  - Analysis indicating excessive returns
  - Complaints of unjust and unreasonable “rates”

- More Section 4 and C&R studies
  - Due to settlements of previous cases
  - Pre-settlements
  - Increasing or new cost obligations
  - Supply changes
  - Market competition
The Economics of Traditional Base Load Energy in a Gas Surplus Environment
It has been 16 years since MidAmerican Energy Company, headquartered in Des Moines, IA, has had an increase in base electricity rates. During this period, MidAmerican Energy Company has also shared over $300 million with its customers through a progressive revenue sharing program. Since the rate freeze was implemented, MidAmerican has also added a state of the art coal generating unit, a combined cycle unit and is scheduled to have 2,285 MW of wind generation in its portfolio by the end of 2012.

Mr. Singer will discuss the effort to maintain an alternative to a potential sole reliance on natural gas and the natural gas infrastructure for future dispatchable base-load generation. That alternative is centered on the consideration of small modular nuclear reactors as a possible alternative. Small modular reactor designs are between 50 MW and 300MW in size and are deployed incrementally as the need develops. Small modular reactors offer the additional potential benefits of extensive use of passive safety systems, significantly less capital investment, and better cost control through factory assembly and standardize production. However, the deployment of small modular reactors is expected to take approximately 10 years, considering the thorough nuclear regulatory approval process.
Public Utility Management of Coal Plants in the Current Regulatory Environment
Presented by Joel J. Schmidt
Vice President – Regulatory and Financial Planning
Alliant Energy

Nearly half of the electricity generated in the United States comes from coal. It’s a relatively low cost fuel source and there’s an abundance of it. Coal is the largest domestically-produced source of energy in this country. However, the use of coal does produce several types of emissions that have adverse effects on the environment. That’s why the Federal government as well as many state governments have instituted and continue to develop various environmental regulations related to these emissions.

We will examine the various rules and their timelines. In particular, we will discuss the recently approved Cross State Air Pollution Rule (CSAPR) and the ongoing legal battle over its future; and the difference between the CSAPR and its predecessor, the Clean Air Interstate Rule (CAIR), which has been reinstated while the legal battles play out. Using Alliant Energy and our generation fleet as an example, we’ll explain how all of this impacts public electric utilities.
Public Utility Management of Coal Plants in the Current Regulatory Environment

Joel J. Schmidt
Vice President – Regulatory and Financial Planning
Alliant Energy
For the Midwest Chapter, Energy Bar Association
March 13, 2012
Outline

• Alliant Energy Overview
• United States Coal Profile
• Key Emissions Rules
• Air Emissions Planning Objectives and Approach
Alliant Energy

- Energy Holding Company
- Public Utility Holdings Include
  - Wisconsin Power and Light Company
    - Serves in Wisconsin
  - Interstate Power and Light Company
    - Serves in Iowa and Minnesota
- Provides Electric and Natural Gas Service to over 1.4 million customers
- 2011 Year-End Market Capitalization of $4.9 billion
- Owned and purchased generation and MISO member
U.S. Coal Usage

• Nearly half of U.S. electricity is generated from coal

U.S. Net Electricity
By fuel, 2010

Source: U.S. Energy Information Administration, Electric Power Monthly, Table 1.1, preliminary data

See also: http://www.eia.gov/energy_in_brief/role_coal_us.cfm
Coal Emissions

U.S. Energy Consumption by Major Fuel Type, 2010

- Non-Fossil: 17%
- Coal: 21%
- Natural Gas: 25%
- Petroleum: 37%

Resulting U.S. Energy-Related Carbon Dioxide Emissions by Major Fuel Type, 2010

- Coal: 23%
- Natural Gas: 35%
- Petroleum: 42%


- See [http://www.eia.gov/energy_in_brief/role_coal_us.cfm](http://www.eia.gov/energy_in_brief/role_coal_us.cfm)
**EPA Rules and Timelines**

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<td>EGU MACT</td>
<td>Proposed Rule Comment Period</td>
<td>Final Rule</td>
<td>MACT Rule Pre-compliance Period for existing sources</td>
<td>MACT Rule Compliance for existing sources</td>
<td>Cross State Air Pollution Rule Phase II (CSAPR) Compliance</td>
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<td>Air Interstate Transport (SO₂, NOₓ)</td>
<td>Current Clean Air Interstate Rule (CAIR)</td>
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<td>EPA Developing Final Rule</td>
<td>Final Rule</td>
<td>CCR Rule Pre-compliance Period</td>
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<td>Proposed Rule</td>
<td>Develop Final 316(b) Rules</td>
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<td>Greenhouse Gases (GHGs)</td>
<td>Proposed GHG Regulation for New Sources</td>
<td>Develop GHG Regulation for Existing Plants</td>
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<td>Best Available Control Technology for Modified/New Sources (PSD/NSR/BACT)</td>
<td>Smaller Sources Included by EPA</td>
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**Collective Effort Statement**

This table and diagram illustrate the EPA's rules and timelines for various environmental regulations, including MACT, CAIR, Cross State Air Pollution Rule (CSAPR), Clean Air Interstate Rule (CAIR), and Greenhouse Gases (GHGs). Each section highlights the development, implementation, and compliance periods for each rule, providing a comprehensive overview of the regulatory framework.
Map of Cross-State Air Pollution Rule (CSAPR) States

By 2014, combined with other EPA actions, the CSAPR will reduce power plant SO$_2$ by 73% and NOx by 54% from 2005 levels.
## Key Aspects of Cross-State Air Pollution Rule (CSAPR)

| **SO\(_2\) Emission Reductions** | **Annual SO\(_2\) emissions mass (tons) cap**  
| Phase I – 2012; Phase II – 2014 |
|---------------------------------|---------------------------------------------------------------------------------------------------|
| **NO\(_x\) Emission Reductions** | **Annual and Ozone Season (expected) NO\(_x\) emissions mass (tons) cap**  
| 2012                                                                         |
| **Emissions Trading**          | - New CSAPR SO\(_2\) and NO\(_x\) allowances issued; no carryover of Acid Rain or CAIR allowances  
| - States divided into two groups for SO\(_2\) allowance trading  
| - Enforceable state emission caps that begin in 2012 will limit trading  
| - Penalties (additional allowance surrender) imposed if state emission caps exceeded |
| **Emission Allowance Allocations** | - Allocations based upon unit historic heat input subject to allocation not exceeding historic unit emissions  
| - As early as 2013, states could choose to modify allocation approach subject to EPA-approval |
# CAIR and CSAPR

## What’s the Difference?

<table>
<thead>
<tr>
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<th>CAIR</th>
<th>CSAPR</th>
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<tbody>
<tr>
<td><strong>Timing</strong></td>
<td>Phase I 2009 (NOx) 2010 (SO2)</td>
<td>2012*</td>
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<td>Phase II 2015</td>
<td>2014</td>
</tr>
<tr>
<td>**Allowances (in 000s tons) **</td>
<td></td>
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<tr>
<td>Iowa SO2</td>
<td>Phase I 64***</td>
<td>107</td>
</tr>
<tr>
<td>Iowa NOx</td>
<td>Phase I 33</td>
<td>38</td>
</tr>
<tr>
<td>Wisconsin SO2</td>
<td>Phase I 87***</td>
<td>79</td>
</tr>
<tr>
<td>Wisconsin NOx</td>
<td>Phase I 41</td>
<td>34</td>
</tr>
</tbody>
</table>

*As a result of the stay of the implementation of CSAPR by the U.S. Court of Appeals, it is unlikely that Phase I of CSAPR will begin before 2013.*

** For CSAPR, any emissions in excess of 118% of allowance allocations are subject to potential penalty. Excess emissions require up to three allowances for compliance, instead of only one.

*** Use of banked SO2 allowances from the Acid Rain Program is allowed for CAIR compliance.
AIR EMISSIONS PLANNING OBJECTIVES AND APPROACH
So How Does This Affect Electric Public Utilities?

Let’s have a look at Alliant Energy for an example
Alliant Energy Electric Power Sources

- Coal: 52%
- Nuclear: 17%
- Purchased Power:
  - Other: 24%
- Other: 5%
- Natural Gas: 2%
Alliant Energy 2010 Coal Combustion Product Management

Source: Alliant Energy records
Alliant Energy’s Generation Portfolio

• More than 40 power plants across the upper Midwest

• Total generating capacity of over 4,400 MW
  – Coal: (avg age = 41 years old) over 2,700 MW
  – Gas: nearly 1,400 MW
  – Other: nearly 770 MW
  – Enough to power over 2 million homes

• Nearly 1,200 MW (nameplate capacity) is from owned and purchased renewable and alternative energy sources
## Alliant Energy’s Current Generation Resource Strategy

<table>
<thead>
<tr>
<th>Tier I</th>
<th>Tier II</th>
<th>Tier III</th>
</tr>
</thead>
</table>
| • Install SO₂, NOx and Hg (mercury) emissions controls as environmental rules dictate  
• Improve Efficiency  
• Address long-term (20+ years) operations and compliance needs  
• Staged implementation | • Explore low-cost emissions control options  
• Maintain flexibility and solid operations – Response to changing compliance rules  
• Monitor and implement asset plan as rule clarity improves; select compliance strategy | • Existing units when market, operational, environmental, or regulatory factors dictate |
Alliant Energy Air Emissions Planning
Objectives & Approach

• Objectives
  – Comply with environmental rules and regulations
  – Reduce IPL power plant air emissions
  – Achieve prudent customer and shareowner outcomes
  – Align with power plant co-owner expectations at jointly-owned plants

• Approach
  – Focus on long-term rather than step-by-step compliance strategy
    • Consider existing and “on the horizon” environmental rules and regulations
    • Encompass balance of plant life compliance needs
  – Implement high value-added emission control projects
    • Value-added = environmental benefits + ability to meet compliance needs
Alliant Energy Air Emissions Planning
Tactics

**Tactics:**

- Install environmental controls and increase efficiency on key units to provide long-term power at a reasonable cost
- Use low-cost environmental solutions at other facilities to extend use
- Retire or refuel the oldest and smallest coal-fired units in our fleet
- Investigate adding gas ownership to further diversify the asset portfolio
- Continue to investigate other portfolio options as appropriate
How Does this Approach Affect Generation Strategy?

• Alliant Energy will provide a balanced generation portfolio to manage costs on behalf of our customers and remain flexible for the future:
  – Evaluate SO₂ emission compliance plan assuming either CAIR or CSAPR is effective - using the SO₂ emissions from both rules as a proxy for final requirements (reduce enough to accommodate either rule)
  – Consideration of other rules (mercury, water etc.)
  – Lower gap between owned supply and demand
  – Reallocate the portfolio of fuels that produce electricity for customers
  – Maintain flexibility to respond to future environmental requirements
  – Continue to efficiently operate units and aggressively manage fuel costs
Key Points for Moving Forward

- CSAPR published on August 8, 2011, but with stay in effect, not likely to go into effect until January 1, 2013, if not vacated or remanded
- If CSAPR is vacated, CAIR likely remain effective until a replacement rule is able to withstand legal challenges
- Final Utility MACT Rules effective April 16, 2012, barring Court action
- Emerging emissions allowance markets yet to form
- Impacts on energy market pricing and emissions allowance markets uncertain due to CSAPR stay
The Emerging Role of New Energy Sources
ROLE OF RENEWABLE ENERGY RESOURCES

Jennifer Easler
Attorney
Iowa Office of Consumer Advocate
Role of Renewable Resources

Policies and circumstances that have driven development of renewable energy resources

Results of these policies and circumstances

Impact of FERC decision, California Public Utilities Commission, 134 FERC ¶61,044, on future of renewable development
Policies and circumstances that have driven renewable resource development

- Section 210 of PURPA of 1978, 16 U.S.C. §824a-3, sought to encourage growth of renewable generation
  - Required public utility purchase of renewable energy
  - Avoided cost purchase standard to protect consumers and prevent discrimination against renewable generators
- Conservation of oil and gas was deemed essential to success of efforts to lessen dependence on foreign oil, prevent recurrence of shortage of natural gas in 1977, and to control consumer...
Local Regulatory Landscape Post-PURPA

- Continuation of regulatory compact: electric must provide reasonably adequate service and facilities; in exchange, utility allowed to set rates at a level that will allow utility a reasonable opportunity to recover prudent expenditures and capital costs plus reasonable return on investments used and useful for utility service.
- Exclusive service territories authorized for electric utilities
  - Encourage development of coordinated statewide retail electric service, avoid unnecessary duplication of electric utility facilities, and promote economical, efficient and adequate service to the public. Iowa Code §476.25
- Iowa policy seeks to encourage the development of alternate energy production facilities in order to conserve our finite and expensive energy resources and to provide for their most efficient use. Iowa Code §476.41
- “Reasonably adequate service and facilities” for public utilities furnishing gas or electricity “includes programs for customers to encourage the use of energy efficiency and renewable energy sources.” Iowa Code § 476.8
- PURPA contracts excluded from excess generating capacity determinations
Local Regulatory Landscape Post-PURPA cont.

  - Intent is to attract development of electric power generating and transmission facilities within the state in sufficient quantity to ensure reliable electric service to Iowa consumers and provide economic benefits to state. [Look at long-term capacity need and factors influencing cost; showing may consider other factors such as diversity of supply, energy costs, and environmental regulations.]
  - To be implemented in a manner that is cost-effective and compatible with environmental policies of the state. [Ignoring the potential for future carbon constraints would not be prudent utility planning in the best interests of customers]
  - To be implemented in manner that considers diversity of fuel types, the availability and reliability of fuel supplies, and the impact of the volatility of fuel costs
  - Extended to alternate energy production facilities in 2003
  - Extended to certain environmental retrofits/strategies 2010
Circumstances Encouraging Expansion of Utility Scale Renewable Energy Resources

- **Important factors**
  - Wind turbine costs, aided by Federal Production Tax Credits
  - Favorable circumstances for certain kinds of RE (relatively good wind)
  - Advance determination of ratemaking principles
  - More stringent environmental regulations on electric plant emissions, uncertainty as to CO2 regulation and costs
  - State Executive Branch encouragement
Important factors:

- RE cost, aided by net metering (IOUs up to 500 kW), tax credits, and low-interest loan program
- Customers with good understanding of reasonable system performance expectations
- Local zoning restrictions
- Interconnection requirements
- Avoided cost rates
Barriers/reluctance by IOUs to invest in renewable energy have been largely addressed as evidenced by Iowa’s leading position in wind energy ownership among rate-regulated utilities (2400MW+). No significant RPS transmission expansion plans to integrate wind needed to meet RPS requirements; still, absent national mandate uncertainty exists over changing RPS policies, PTC etc…

Slower progress on factors that induce consumer ownership of renewable energy: avoided cost rates, limited availability of net metering, financing/lease options are unclear.

Legislative intent indicates desire to support both utility and consumer implementation of renewable energy.
Impact of CPUC v. So. Cal. Edison

- Avoided cost rates are defined in terms of costs that an electric utility avoids by purchasing from QF and because a state may determine what particular capacity is being avoided, the state may rely on the cost of such avoided capacity to determine the avoided cost rate. (Par. 30)

- Previous focus on cost of alternative energy without regard to energy type is out of step with present circumstances, in which states are increasingly looking to draw distinctions in what resources they will allow. (Par. 31, Fn. 66)

- PURPA does not dictate any particular avoided cost price, but instead states that rates cannot exceed the cost of energy which, but for the QF purchase, a utility would itself generate or purchase. (Par. 32).

- Closing point of emphasis: States may have other ways of establishing avoided cost rates that may be consistent with PURPA regulations … these are fact-specific determinations; FERC regulations provide guidance on factors to be taken into account “to the extent practicable.” (Par. 36).
Energy Bar Association

Emerging Role of Efficiency

March 13, 2012

Jay Wrobel, Executive Director
MEEA’s Role in the Midwest

• Nonprofit serving 13 Midwest states
• 10 years serving utilities, states and communities
• Staff of 22 in Chicago

• Actions
  – Advancing Energy Efficiency Policy
  – Designing & Administering EE Programs
  – Delivering Training & Workshops
  – Coordinating Utility Program Efforts
  – Regional Voice for DOE/EPA & ENERGY STAR
  – Evaluating & Promoting Emerging Technologies
The Case for Efficiency!
Energy Efficiency Meets Many Needs

• Cheaper than renewables or supply side options
• Create local jobs and keeps money in local economic
• Reduces energy consumption
• Alleviates peak demand periods
• No NIMBY issues (often opposite effect)
• People like being green
Lots of Room for Efficiency

- Homes, businesses, schools, government, and industry (the built infrastructure) represents 40% of the natural gas and 70% of electricity used in this country.
Energy Efficiency is a Bipartisan Issue

State House/Senate and Governor party affiliation at the time of the first enactment of statewide energy efficiency policy

VT: D
CT: R
MD: D
DE: D
HI: R
MA: D
RI: R
CT: R
DE: D
MD: D

State Legislature
H/S: Republican
H/S: Democrat
H/S: Split
EERS Pending
Governor’s Party
D/R

January 2011

Source On Energy Efficiency

Midwest Energy Efficiency Alliance
Energy Efficiency = Jobs

- Americanprogress.com
  - Clean-energy investments create 16.7 jobs for every $1 million in spending. Spending on fossil fuels, by contrast, generates 5.3 jobs per $1 million in spending.
What Jobs and How Many?

- Smart Grid
- Professional Energy Services
- Lighting
- HVAC and Building Control Systems
- Green Architecture and Construction Services
- Energy-saving Consumer Products
- Energy-saving Building Materials
- Appliances

Source: Brookings 2011
Avg Cost of the Conserved kWh

$0.03 per kWh
Making Efficiency Work…

1. Cost Effective
   – Value of EE must be > than the $ consumers are paying!

2. Make Utility Whole
   – Issue: kWh/therms saved means less revenue for utilities
   – Utilities are needed partner to make EE work
   – What do utilities need?
     • Recover lost revenue due to decreased sales
     • Recover cost of the EE programs
     • Some incentive
     • Note: lots of models on how to do this…differs by state/PUC
Estimated Annual Investment in Energy Efficiency in the Midwest

- **$1.581**
- **$1.191**
- **$0.390**

### Natural Gas
- **$0.000**
- **$0.200**
- **$0.400**
- **$0.600**
- **$0.800**
- **$1.000**
- **$1.200**
- **$1.400**
- **$1.600**
- **$1.800**

### Electricity

- **$1.800**
- **$1.600**
- **$1.400**
- **$1.200**
- **$1.000**
- **$0.800**
- **$0.600**
- **$0.400**
- **$0.200**
- **$0.000**

### Total

- **$1.191**

### Key Events:
- **EERS Legislation**
- **IL Gas Admin Order**
- **IN Electric Legislation**
- **WI EERS Legislation overturned**
- **MI Electric, Gas**
- **OH Electric Exec Order**
- **IA Gas, Electric**
- **WI Electric, Gas**
- **1983 – Pilot legislation adopted in MN**
- **1991 – CIP requirement adopted in MN**
- **1990 – Initial legislation adopted in IA**
- **1996 – Legislation updated in IA**
- **1999 – Public Benefit Fund Adopted in WI**

*Source: Energy Efficiency Alliance*
Future Midwest Efficiency Targets and Funding

2010 $1.06 billion
2015 $1.58 billion

**Wisconsin**
- 0.63% elec currently
- 0.48% gas currently

**Minnesota**
- 1.5% elec currently
- 1.5% gas currently

**Iowa**
- 1.4% elec currently
- 1% gas currently

**Michigan**
- 1% elec by 2012
- 0.75% gas by 2012

**Ohio**
- 2% elec by 2019
- Gas in discussion

**Indiana**
- 2% elec by 2019
- Gas none yet

**Kentucky**
- Voluntary elec and gas

**Illinois**
- 2% elec by 2015
- 1.5% gas by 2017

**Missouri**
- IRP process

**2010 EE funding**
**2015 EE funding** (projected)

Sept 2011
The EE Story

• Now: Low hanging fruit still around
  – ‘Traditional’ suite of incentive programs
    • Lighting, refrigerators, C&I
  – CFLs, lighting are around 80%+ electric savings
  – HVAC/water heaters most of gas savings
    • Challenging for gas utilities to meet goals
  – Some exploration of behavior change
  – Some piloting of new areas
  – Struggle again standards and codes
The EE Story

• Future: Finding a new portfolio
  – Lighting savings going down
  – Some program saturation
  – Need ‘new’ programs
    • Whole home (HPwES, air sealing, etc)
    • Systems work (HVAC systems, smart homes, etc)
    • Behavior programs (changing the customer habit)
    • Education
  – Challenges
    • Cost effectiveness (non-energy benefits not counted)
    • More complex (contractors, systems, etc)
The EE Story

• Lots still out there!!!
  – Utilities will find the savings!
    • Need stakeholder/PUC/customer support
    • Need more flexibility around cost effectiveness
    • Need to count non-energy benefits
    • Need to look at financing/business decision making
    • Lots of opportunity in industrial!
    • Lots of in-efficient commercial space and homes
Contact Info

Jay Wrobel, Executive Director

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Managing Compliance with Energy Regulations
Cross State Air Pollution Rule (CSAPR) – *Harbinger of Tighter Restrictions or Dinosaur of the Past*

Mark A. Thimke
Midwest Energy Conference
March 12-13, 2012
Utility regulation focus – historical review

- Until late 1990s, limited focus on utility emissions
- Acid rain program implemented
- But, coal was “king” with major shift to burning PRB versus eastern coals

Shift in late Clinton years

- New source review litigation (Round 1)
- Utilities’ emissions determined to be subject to MACT, but no standards
- NOx SIP call for eastern states
CSAPR – In Context

- Movement toward new coal in boom years (Cheney Energy Policy)
- Bush era regulation
  - New source review
    - Litigation slowdown
    - New, facility friendly rules
  - Clean Air Interstate Rule (CAIR)
  - Clean Air Mercury Rule (CAMR)
  - Courts – new source review cut back; CAMR/CAIR rejected
CSAPR – In Context

Obama era

- Major focus on utility emissions
- New source review (Round 2)
  - More plants/new legal theories advanced (Title V, successor liability)
  - Aggressive settlement positions
- New rules – the “so called” regulatory train wreck
  - McCarthy position (EUEC 2011)
    - Coal plants will, at a minimum, need scrubbers/SCRs to continue to operate under new rules
    - Rules will provide time to install but otherwise shut down
    - Industry should act now
- NAAQS changes for PM$_{2.5}$, SO$_2$, NO$_2$
- CSAPR
- Utility MACT – Mercury and Air Toxics Standards (MATS)
- New source performance standards redefinition
Economic Challenges of a Regulated Utility

- Economic model of regulated electric utility industry
  - Basic premise
    - Increasing demand for electricity
    - Capital investment required in plant/equipment to meet increasing demand
    - Incentivize capital from public markets through fixed return on capital
    - Rates to customers include capital return but no return for operating costs (pass through)
  - Worked well during industrial expansion
  - “Revived” by air conditioning of southern U.S.
  - Difficulties with crash of 2008
Economic Challenges of a Regulated Utility

- Now with increased regulatory/financial pressure
  - Hard look at power generation fleet, especially with declining manufacturing base
    - New plants canceled
    - Significant budget constraints
  - Invest in pollution upgrades tied to plant upgrades (capital investment for rate base) but limit “rate shock” to customers
    - David Wright of NARUC – “customers are hurting … what we are trying to do is to keep cost as low as possible so that the ratepayer can still afford their power”

- And the natural gas “revolution” combined with renewables; but transmission uncertainties
CSAPR – A Macro-View

- CSAPR – plays a role in the upgrade/close down decision
- However, even without CSAPR, substantial pressures
  - Tightening NAAQS will affect coal units once modeling required
  - New source review related settlements
  - Utility MACT (MATS)
- Transformation of utility industry will continue whether or not CSAPR rejected in court challenge
CSAPR – Basics

  - U.S. EPA required to set NAAQS requirements
  - Non-attainment designation for areas of states not able to achieve standards
  - However, air pollution not localized; upwind sources affect downwind states
  - States unable to attain NAAQS based on state-based controls
CSAPR – Basics

- Clean Air Act § 110(a)(2)(D)(i)(1)
  - Requires states to restrict air emissions that “contribute … significantly to non-attainment in or interfere with maintenance [of attainment] by, any other state with respect to … NAAQS”

- Two statutory bases
  - Significantly contribute to non-attainment
  - Significant affect on maintenance of NAAQS by a state

- Note – statutory provision used by states to force controls on other states and led to the “NO\textsubscript{x} SIP call” effort in early 2000s
CSAPR – Outgrowth of CAIR

- CAIR’s approach
  - Established state-by-state emission budgets
  - Allowed trading to occur between facilities in different states
  - In effect, a regional approach based on a regional “bubble” concept
  - However, could have facilities in one state emit **above** state budget by relying on purchased reduction from out-of-state facility
  - D.C. Circuit Court – **impermissible** as statute prohibits sources within the state from contributing to non-attainment in another state
CSAPR – Approach

- Like CAIR, emission budgets established for states
  - 23 states annual SO$_2$/NO$_x$ reductions
  - 20 states with NO$_x$ reductions during ozone season
CSAPR – Approach

Timeline
- 2012 for annual $\text{SO}_2$/NO$_x$
- May 1, 2012 for NO$_x$ ozone season
- 2014 (group/states) additional $\text{SO}_2$ restrictions
CASPR – Approach

Methods to achieve

- Low NO$_x$ burners
- Scrubbers
- Change over in fleet away from coal units
CSAPR – Approach

- Mechanism to impose requirements
  - Federal Implementation Plan (FIP) imposed on states
  - Short circulated traditional SIP process, but states allowed to develop SIP to eventually replace FIP (more on this later)
  - Facility-specific allowances made under FIP based on heat rate/historic emissions/cost effectiveness
  - Facility “penalties” – failing to meet allocations
    - Excess emissions – two allowance penalty
    - Violation of Clean Air Act
CSAPR – Approach

Trading

- Four new markets – two SO$_2$ markets, national annual NO$_x$, national ozone season NO$_x$
- SO$_2$ – two groups with allowance trading only within groups
- NO$_x$ – no state-based limitations on trading
- Assurance provisions
  - States must stay within allocated budgets
  - But allowed some flexibility – 18% annual NO$_x$/SO$_2$ and 21% ozone season NO$_x$
  - Exceed assurance cap, two allowances per ton penalty
- Constrains use of market-based mechanisms to achieve cost effective reductions
CSAPR – stayed by D.C. Circuit Court of Appeals (Dec. 2011)

“Stay” is unusual in rulemaking challenge

Must show “harm” and “likelihood of success on merits”

Exhibits strong concerns by court that rule not valid

Expedited briefing – very fast schedule with decision in June/July 2012

Court composition – three judges

One viewed as pro-U.S. EPA

One viewed as skeptical of U.S. EPA

One swing judge
CASPR – Litigation

- Primary basis for challenge
  - Procedural – U.S. EPA’s use of FIP as opposed to SIP
    - SIP normal process under Clean Air Act to implement U.S. EPA requirements
  - Part of federalism of 1970 Clean Air Act – balance states’ rights against federal requirements
  - Legal issue – U.S. EPA cannot impose FIP on states without allowing states to develop SIP
    - U.S. EPA disapproved CAIR-based SIPs and then held states out of compliance allowing for a FIP
    - If challenge successful, likely pushes out compliance requirements for two years
    - General view – U.S. EPA vulnerable on this issue; states reasonably relied on CAIR
CSAPR – Litigation

- Reliance on “cost effective” emission reductions
  - U.S. EPA determined states subject to CSAPR based on emission but then sets budgets based on cost effectiveness of reductions
  - Interpretation of Section 110 – budgets based on state’s affect on downwind states or can cost effectiveness play a role to impose more reductions on one state versus another
  - If successful challenge – change in state budgets without cost benefit considerations to drive controls
CSAPR – Litigation

- Modeling/data assumptions challenged
  - Number of issues raised to technical modeling and data
  - Also challenged U.S. EPA not using real world data
    - U.S. EPA assumed CAIR never happened
    - Many areas subject to CSAPR now in attainment
  - If challenge successful, U.S. EPA “re-do” of analysis – some states out and budgets redone with related delays
Projections for the Future

- CSAPR generated significant litigation attention
- However, may not be “real” driver for emission changes
  - NAAQS reductions for NO\textsubscript{x}, SO\textsubscript{2}, PM\textsubscript{2.5}
  - Actions to meet MATS
  - Uneconomic “old coal”
  - Low cost natural gas
Projections for the Future

- Comprehensive approach that accounts for
  - Utility market and economics changing
  - Lower NO_x, SO_2, PM_{2.5} requirements
  - Changes underway – trick will be navigating constraints of old economic model while deciding on future direction of generation
Questions?

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Trends in Federal Energy Compliance & Enforcement

15th Annual EBA Midwest Energy Conference
Des Moines, Iowa
Topics Covered Today

- Trends in FERC & NERC oversight
- Not covered: CFTC, FTC, others
- The usual disclaimers apply
Trends in FERC Oversight

• Review of past year
  ▪ OATT violations
  ▪ SMHT violations
• Noteworthy developments
  ▪ Trader banned from demand response markets
  ▪ Significant reliability penalty
• FERC proposals to require additional data
  ▪ RTO data on market activity
  ▪ NERC tagging data
  ▪ Expansion of EQR requirements
  ▪ Gas storage reporting
Trends in FERC Oversight (cont’d)

• FERC’s enforcement priorities continue to be:
  ▪ Fraud and market manipulation
  ▪ Serious violations of reliability standards
  ▪ Anti-competitive conduct
  ▪ Conduct that threatens transparency of regulated markets

• New Division of Analytics & Surveillance in FERC’s Office of Enforcement
  ▪ Use of surveillance tools and analysis to review data and transactions
  ▪ Monitor, detect and prosecute wrongdoing and anticompetitive behavior
  ▪ Bottom line: more enforcement, investigations
Trends in NERC Oversight

• Compliance Enforcement Initiative
  - Backlog of cases
  - Prioritize enforcement resources
• Find, Fix, Track & Report (FFT)
  - Effort to streamline administrative and “minor” violations
  - FERC treatment pending
  - NERC 6-month report due in March 2012
Trends in NERC Oversight (cont’d)

- **Critical Infrastructure Protection (CIP) Standards**
  - Version 4 – pending at FERC
  - Version 5 – still under development

- **GO / TO Issues**
  - Cross-functional responsibility
Five Things to Watch in 2012

• Look for new Analytics & Surveillance division to flex its muscle
• Non-traditional regulated entities increasingly subject to enforcement
• But also more of the same – OATT, SMHT
• More data provided to FERC – RTOs, NERC
• New cybersecurity requirements in 2012
Thank you!

Trends in Federal Energy Compliance & Enforcement

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Commodity Futures Trading Commission ("CFTC") and Federal Energy Regulatory Commission ("FERC") Protection Against Market Manipulation

• Why are the regulators interested in market manipulation?
• Which actors in which markets does each independent Commission have jurisdiction over?
What Kind of Regulators Are They?

FERC
- Regulates “rates” charged for jurisdictional service
- “Rates” in organized markets can be just and reasonable as long as the markets are workably competitive
- Market monitors and market power mitigation

CFTC
- Regulates markets for commodities futures and options
- Encourages market competitiveness and efficiency
- Protects market participants against fraud, manipulation, and abusive trading practices
- Assure financial integrity of clearing process
Federal Energy Regulatory Commission

• The anchor in Section 205 that all rates, charges etc. demanded for jurisdictional service be just and reasonable and not unduly discriminatory or preferential leads to concerns with markets.

• When the FERC is relying on well functioning, competitive wholesale Markets to produce outcomes (rates) that are just and reasonable, it is, and must be, concerned that the markets are well-designed and operated, and are not subject to manipulation.
Commodity Futures Trading Commission

• The motivation behind the CFTC’s market surveillance program is to preserve the economic functions of futures and options markets.

• The market surveillance program’s primary mission is to identify situations that could pose a threat of manipulation and to initiate preventative actions.
Timing and Location of Market Protection Rules

FERC 18 CFR 1c.1 and 2

- 2006
- Post, post Enron
- After the Energy Policy Act of 2005 amended the Natural Gas Act and the Federal Power Act

CFTC 17 CFR Part 180

- 2011
- Post Lehman Brothers, credit default swaps and collateralized debt obligations
- After the Dodd-Frank Wall Street Reform and Consumer Protection Act amended the Commodity Exchange Act
Titles of Rules

FERC
- Prohibition of Energy Market Manipulation

CFTC
- Prohibition on the Employment, or Attempted Employment, of Manipulative and Deceptive Devices and Prohibition on Price Manipulation
What Existed Before the Rules?

FERC
- In Order 2000, provisions on market monitoring, market mitigation and reporting
- An Enforcement Division

CFTC
- Section 6(c) of the Commodity Exchange Act had a prohibition against false statements made in registration statements and application
- An Enforcement Division
Challenges and Questions for Counselors

• Do you prefer to give advice on a few general open-ended provisions (maybe the FERC rule); or
• Do you prefer to give advice on a mix of specific prohibitions and some open-ended provisions (maybe the CFTC rules); or
• Both?
§ 1c.2 Prohibition of electric energy market manipulation.

(a) It shall be unlawful for any entity, directly or indirectly, in connection with the purchase or sale of electric energy or the purchase or sale of transmission services subject to the jurisdiction of the Commission,

(1) To use or employ any device, scheme, or artifice to defraud,

(2) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(3) To engage in any act, practice, or course of business that operates or would operate as a fraud or deceit upon any entity.

(b) Nothing in this section shall be construed to create a private right of action.
Appendix 2

Commodity Futures Trading Commission (“CFTC”) Rules § 180.1 and § 180.2

§ 180.1  Prohibition on the employment, or attempted employment, of manipulative and deceptive devices.

(a) It shall be unlawful for any person, directly or indirectly, in connection with any swap, or contract of sale or any commodity in interstate commerce, or contract for future delivery on or subject to the rules of any registered entity, to intentionally or recklessly:

(1) Use or employ, or attempt to use or employ, any manipulative device, scheme, or artifice to defraud;

(2) Make, or attempt to make, any untrue or misleading statement of a material fact or to omit to state a material fact necessary in order to make the statements made not untrue or misleading;

(3) Engage, or attempt to engage, in any act, practice, or course of business, which operates or would operate as a fraud or deceit upon any person; or,

(4) Deliver or cause to be delivered, or attempt to deliver or cause to be delivered, for transmission through the mails or interstate commerce, by any means of communication whatsoever, a false or misleading or inaccurate report concerning crop or market information or conditions that affect or tend to affect the price of any commodity in interstate commerce, knowing, or acting in reckless disregard of the fact that such report is false, misleading or inaccurate. Notwithstanding the foregoing, no violation of this subsection shall exist where the person mistakenly transmits in good faith, false or misleading or inaccurate information to a price reporting service.

(b) Nothing in this section shall be construed to require any person to disclose to another person nonpublic information that may be material to the market price, rate, or level of the commodity transaction, except as necessary to make any statement made to the other person in or in connection with the transaction not misleading in any material respect.

(c) Nothing in this section shall affect, or be construed to affect, the applicability of Commodity Exchange Act section 9(a)(2).

§ 180.1  Prohibition on price manipulation.

It shall be unlawful for any person, directly or indirectly, to manipulate or attempt to manipulate the price of any swap, or of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity.
BIOGRAPHIES
Office of the General Counsel

Michael Bardee, General Counsel

Mr. Bardee began working at the Commission in 1990, as an attorney-advisor in the Office of General Counsel. In addition to serving as an attorney-advisor, Mr. Bardee has held a range of other positions in the Office of General Counsel and elsewhere in the Commission. He also worked briefly in private practice.

Before joining the Commission, he worked on utility issues at the Pennsylvania Office of Consumer Advocate and also litigated environmental enforcement cases at the U.S. Department of Justice.

He holds a B.A. in Journalism from Oklahoma University and a J.D. from New York University Law School. He lives in Annandale, Va., with his wife, Joan.
Dr. David C. Boyd  
Commissioner

David Boyd holds a B.A. degree with majors in biology and chemistry from St. Olaf College, a Ph.D. degree in chemistry from the University of Minnesota, and has performed two years of post-doctoral research. Dr. Boyd was a member of the faculty at the University of St. Thomas from 1989 to 2009 including six years as Chairman of the Chemistry Department.

Dr. Boyd has over 25 years of research experience in inorganic and materials chemistry, including significant experience in the field of solar energy conversion (catalytic water splitting and photovoltaic devices). Other areas of inquiry include sensor development, and the synthesis of useful conducting and semiconducting thin films.

Dr. Boyd currently serves as a member of the National Association of Regulatory Utility Commissioners (NARUC) Committee on Electricity, Subcommittee on Clean Coal and Carbon Sequestration, Subcommittee on Education and Research, and Chairs the Subcommittee on Nuclear Issues-Waste Disposal. He serves as an Executive Committee Member on the Nuclear Waste Strategy Coalition, and in 2010 he was appointed by Governor Tim Pawlenty to serve on the Midwestern Governors Association's (MGA) Carbon Capture and Storage (CCS) Task Force.

Dr. Boyd was appointed to the Minnesota Public Utilities Commission by Governor Tim Pawlenty on July 10, 2007 and was reappointed on December 18, 2008. His term as Commissioner has included three years served as Chairman. Dr. Boyd's current term expires January 5, 2015.
Laura Demman is the Director and Legal Counsel of the Natural Gas Department at the Nebraska Public Service Commission, where she has worked for over ten years. Prior to that, she was a staff member at the Nebraska Legislature. Ms. Demman is currently Vice Chair of the Gas Staff Subcommittee of the National Association of Regulatory Utility Commissions (NARUC).
Jennifer Easler bio

Jennifer Easler has been a utility attorney in the Iowa Office of Consumer Advocate (OCA) since 1996. She is a 1993 honors graduate from Drake University Law School, and holds a B.B.A. in Finance from The University of Iowa.

The Iowa OCA represents the interests of utility customers and the public generally in matters within the jurisdiction of the Iowa Utilities Board. As a utility attorney, Jennifer’s work has focused on energy issues, including general rate cases, generation siting applications, business reorganization proceedings, and renewable energy and energy efficiency matters.

Jennifer oversees the administration of an energy efficiency collaboration process in Iowa and was the recipient of the Midwest Energy Efficiency Alliance – 2010 Inspiring Efficiency Leadership award for her work in this area.

She currently serves on the following organizations:

- Midwest ISO Advisory Council and Planning Advisory Committee
- State Energy Efficiency Action Network Executive Committee
- Iowa Energy Center Advisory Council – Chair
A member of Sutherland’s Energy and Environmental Practice Group, Dan Frank focuses on the electric industry. He represents energy trading companies, electric cooperatives and other electric utilities, generators, and end users before the Federal Energy Regulatory Commission (FERC) and state public utility commissions. He assists his clients in North American Electric Reliability Corporation (NERC) compliance matters, including counseling on compliance audits, developing procedures to comply with critical infrastructure protection (CIP) (cybersecurity), system protection and control, and other NERC Reliability Standards, and preparing compliance delegation agreements. He counsels transmission owners and other market participants on transmission access, pricing and cost allocation issues, has drafted and negotiated power sales, interconnection and transmission service agreements, and advises clients in disputes over power transactions and transmission matters.

Before joining Sutherland, Dan served as a law clerk for the Honorable Danny Boggs of the U.S. Court of Appeals for the Sixth Circuit. He is a graduate of The University of Chicago Law School and received his undergraduate degree from the University of Washington.
Ms. Heckerman joined Brown, Williams, Moorhead & Quinn, Inc. (BWMQ) in 2010 after nearly 30 years of regulatory experience with natural gas companies. Ms. Heckerman is located in the Omaha, NE area.

Since joining BWMQ, Ms. Heckerman has been advising clients in the areas of rates, tariff, certificate and compliance matters, including the development of new services, cost of service and rate design training and the review of pipeline companies' compliance with the business practice standards of the North American Energy Standards Board (NAESB). During her career with natural gas companies, Ms. Heckerman developed a broad expertise in all facets of natural gas pipeline regulation. Ms. Heckerman developed strategy and directed five major rate case proceedings before the Federal Energy Regulatory Commission (FERC) involving complex regulatory issues for Northern Border Pipeline Company and Guardian Pipeline, L.L.C. She submitted testimony on behalf of Northern Border in its rate case proceedings regarding cost of service matters. In addition, Ms. Heckerman directed and supervised the development of certificate applications and rate analysis for over $2 billion of capital expenditures for a number of projects for several interstate pipelines, including the development and support of a tariff, rates and certificate application for a new interstate pipeline through the NEPA pre-filing and certificate application processes. Ms. Heckerman participated in several due diligence reviews resulting in the acquisition of three interstate natural gas pipeline companies. She directed and supervised the preparation and support of numerous tariff, and FERC compliance proceedings for several interstate pipelines, including the development of related internal procedures to ensure compliance with the FERC’s Standards of Conduct rules.

Earlier in her career, she developed, and supervised rate case proceedings before the Kansas Corporation Commission, the Railroad Commission of Texas, the Missouri Public Utilities Commission and the Colorado Public Utilities Commission on behalf of a multi-state distribution company. These rate proceedings addressed cost of service, cost allocation and rate design issues. Ms. Heckerman testified before the Kansas Corporation Commission and the Colorado Public Utilities Commission on cost of service issues.

Ms. Heckerman earned her MBA degree from Creighton University and a BS Degree, with majors in Accounting and Business Management from Dana College.
Commissioner Robert S. Kenney was appointed to the Missouri Public Service Commission on July 29, 2009 by Governor Jay Nixon. He was unanimously confirmed by the Missouri State Senate on January 13, 2010.

Commissioner Kenney is an active member of the National Association of Regulatory Utility Commissioners. He serves as co-vice chair of the Committee on Energy Resources and the Environment. He also serves on the Consumer Affairs Committee, the Subcommittee on Utility Market Place Access, and the International Relations Committee. He currently serves at the President of the Organization of MISO States.

Commissioner Kenney has been invited to speak and present on a variety of legal and energy related topics including general and emerging issues in regulatory policy, renewable energy standards, smart grid deployment, customer engagement, integrated resource planning, environmental compliance, and market monitoring.

Prior to his appointment to the PSC, Commissioner Kenney served as Missouri Attorney General Chris Koster's Chief of Staff.

As Chief of Staff, Commissioner Kenney was instrumental in leading the office through the transition process. He was responsible for overall management of the Attorney General's attorney and non-attorney employees in five offices throughout the state. Commissioner Kenney was also responsible for managing and litigating complex cases involving, among other things, election law, petition initiatives, and representation of statewide elected officials. Commissioner Kenney was also tasked with monitoring and advocating on behalf of legislation affecting the Attorney General's Office. As a part of the executive leadership team, Commissioner Kenney was responsible for the management and administration of a $23 million budget. Commissioner Kenney also acted as the primary contact and liaison with multiple constituencies including the Missouri General Assembly, statewide elected officials, local/municipal elected officials and leaders, and the labor, law enforcement, agriculture, minority, and other communities.

Before working for the Attorney General, Commissioner Kenney was a shareholder at the St. Louis law firm Polsinelli Shalton Flanigan Suelthaus PC (now Polsinelli Shughart), where he practiced in the commercial and business litigation practice group and the product liability practice group. He litigated complex cases in state and federal courts in Missouri, Illinois, and other courts throughout the country. Commissioner Kenney chaired Polsinelli's diversity committee and served on the firm's recruiting committee.

Prior to his time in private practice at Polsinelli, Commissioner Kenney was an Assistant Attorney General in the Missouri Attorney General's Office for
nearly three years, practicing in the Consumer Protection Division. In that division, Commissioner Kenney worked to enforce state and federal consumer protection laws. Commissioner Kenney also served the community by implementing community education and outreach efforts. Commissioner Kenney also played an instrumental role in the initial implementation and enforcement of Missouri's Telemarketing No-Call List Law.

Commissioner Kenney remains actively involved in a host of civic and bar related activities. Commissioner Kenney is a member of the Missouri Bar Board of Governors. Commissioner Kenney served as the Co-Chair of the 2009-2010 Missouri Bar Leadership Academy. He is Vice-Chair of the Missouri Bar's Twenty-Second Circuit Judicial Evaluation Committee and Vice-Chair of the Missouri Bar's Environmental and Energy Law Committee. Commissioner Kenney is a past President of the Mound City Bar Association. Commissioner Kenney has also served as a member of the board of governors of the Bar Association of Metropolitan St. Louis, serving as a presidential liaison.

Commissioner Kenney has served on the Board of Trustees for Fontbonne University, the Board of Directors for The St. Louis Black Repertory Theater, and the Board of Directors for the Portfolio Gallery and Educational Center. Commissioner Kenney is a member of Alpha Phi Alpha Fraternity, Inc., Epsilon Lambda Chapter.

Commissioner Kenney was selected to receive the St. Louis Business Journal's 2009 Inclusive Leadership Award. Commissioner Kenney was named to the St. Louis Business Journal's Class of 2009 40 Under 40. He was also recognized in the 2008 Missouri and Kansas Super Lawyers, as a "Rising Star" in the Business Litigation practice area. Commissioner Kenney was also selected to appear in the Fifth and Sixth Editions of Who's Who In Black St. Louis.

Commissioner Kenney earned his undergraduate degree in 1994 from Hampton University in Hampton, Virginia. He earned his law degree in 1998 from Saint Louis University School of Law. While in law school, Commissioner Kenney was an Articles Editor for the Saint Louis University Public Law Review. He was also a member of the National Moot Court Team and the Moot Court Board. He is licensed to practice law in Missouri and Illinois (inactive). He is a member of the American Bar Association, the Energy Bar Association, and the Mound City Bar Association

Commissioner Kenney is married to Michelle (Oakley) Kenney. They have two children: daughter, Mackenzie; and son, Robert, Jr. They live in the Carondelet neighborhood in the City of St. Louis, Missouri.
Stephen G. Kozey is Vice President, General Counsel and Secretary for the Midwest Independent Transmission System Operator, Inc., a position he has held since 2000.

Mr. Kozey’s 35+-year career has focused on the electric industry -- rate and regulatory matters, Federal Energy Regulatory Commission jurisdictional matters, power and commodities trading functions, as well as industry mergers and acquisitions and antitrust litigation. During his career Mr. Kozey held various legal positions with electric utilities (PSI Energy and its successor Cinergy, which he left as General Counsel of Cinergy’s Energy Commodities Business Unit ’92-'00), Associate General Counsel at Potomac Electric Power Company ‘84–‘87), private law firms in the District of Columbia (Skadden, Arps, Slate, Meagher & Flom, ’88-’92; Reid & Priest ’80–’84, and Dickstein, Shapiro & Morin ’76-78) and a state regulatory agency (Public Staff of the North Carolina Utilities Commission ’78–’80).

Mr. Kozey earned his J.D. degree in 1976 from the Law School of the University of Pennsylvania in Philadelphia. He graduated Magna Cum Laude from Haverford College in Haverford, Pa., where he was elected to Phi Beta Kappa and received a Bachelor of Arts Degree in religion and political science. He is a member of the bar in the District of Columbia, North Carolina, Maryland and Indiana.
Michael B. McMahan

Position
Vice President, Smart Grid and Technology

Profile
As vice president of Smart Grid and Technology, McMahan is responsible for developing and implementing operation plans for the installation of ComEd’s Smart Grid projects and other related technologies.

ComEd is a unit of Chicago-based Exelon Corporation. ComEd delivers electricity to approximately 3.8 million residential and business customers across northern Illinois, or 70 percent of the state’s population.

Exelon Corporation is one of the nation’s largest electric utilities with approximately $17 billion in annual revenues. The company has one of the industry’s largest portfolios of electricity generation capacity, with a nationwide reach and strong positions in the Midwest and Mid-Atlantic. Exelon distributes electricity to approximately 5.4 million customers in Illinois and Pennsylvania and natural gas to approximately 485,000 customers in southeastern Pennsylvania. Exelon is headquartered in Chicago and trades on the NYSE under the ticker EXC.

Professional History
Prior to his current role, McMahan served as vice president of Engineering and Project Management where he developed and implemented planning and maintenance programs for the electric distribution infrastructure serving ComEd’s 3.8 million customers.

Earlier McMahan served as vice president of special projects for EED and was responsible for revamping the New Business Unit. In six months, he eliminated an existing backlog, increased customer satisfaction by 15 points, reduced complaints to senior executives, developed and initiated structural reorganization, and established new business practices designed to improve customer satisfaction. He also served as Vice President of Outage and Project Management for Nuclear where he was responsible for outage services and projects across 17 nuclear units in two regional operating groups.

Before joining Exelon, McMahan held a series of positions with increasing responsibility in General Electric’s Nuclear Division, including manager of Outage & Inspection Services, Business Planning and Development and Mechanical Services.

Civic Involvement
McMahan is a member of the Kane County Leadership council of the American Red Cross; and serves on the Governors Board for the Brookfield Zoo.

Education
McMahan holds a Bachelor’s degree in nuclear engineering from the University of Florida and a MBA from Emory University. He is a licensed professional engineer in Electrical Engineering.

Family
McMahan and his wife, Betty live in St. Charles, Illinois, and have three sons.
Janice R. Moore
Special Counsel

With more than 20 years of experience in the derivatives and capital markets industry, and having served as in-house counsel to major companies, Janice offers a unique advantage to the firm’s clients. Banks, pension funds, hedge funds and end-users seek her expertise in the credit, risk, trading, finance, commodities, controls and other aspects of derivatives and hedging transactions, whether based on standard documents (including ISDA Master Agreements and futures clearing agreements) or non-standard documents (such as structured notes). She also has transactional experience with the legal frameworks for derivatives in emerging markets in Southeast Asia and South America.

Janice has spent almost half of her legal career as in-house counsel to Fortune 100 companies, first at Mobil Oil in New York and Fairfax, VA and then Enron in Houston, Texas. She returned to private practice in 2001 as a partner in two major law firms in Washington DC, advising clients on trading matters. When asked to assist a major U.S. bank with capital markets derivatives transactions and structured products private placements, her derivatives expertise sharpened as they built a major business unit in Latin America and Asia. Since coming to Pierce Atwood in 2010, Janice has devoted her practice to capital markets and commodity derivatives, with a special focus on the impacts of the Dodd Frank Wall Street Reform and Consumer Protection Act, enacted in July 2010.

RECENT EXPERIENCE

- Representation of a major food processor in commodity (feed and livestock) and capital markets hedging and other risk management agreements.
- Advising a large pension funds in interest rate hedging programs, including OTC derivatives and exchange-traded futures contracts and related clearing agreements.
- Counseling regulated public utilities and power marketers in commodity and capital markets hedging programs and transactions, including template agreements, portfolio review and analysis and advice on credit terms and exposures (contract valuations in excess of $2 billion dollars), including advice and training on various CFTC compliance issues.
- Representation of a large U.S.-based global bank with respect to hundreds of ISDA master agreements and other industry standard agreements and netting and collateral arrangements, as well as inter-creditor agreements, sometimes in connection with bank loans and loan participations, in addition to hundreds of private placements of structured notes, based on a wide variety of underlyings, including debt and equity securities, commodities, currencies, indices, baskets, and related derivatives instruments, while also drafting, reviewing and negotiating distribution agreements, disclosure documents and customer agreements.
- For a large foreign-based global bank, negotiating hundreds of ISDA master agreements, swap participation agreements, and netting and collateral arrangements and an extensive forensic analysis of the bank’s potential liabilities and rights and remedies under numerous market-value and other mortgage securitization related derivatives products, which involved bankruptcy concerns and innovative risk management techniques.

HONORS & DISTINCTIONS

Janice was recently featured in Public Utilities Fortnightly "Groundbreaking Lawyer of 2010" for her work on the impact of the Dodd-Frank Act on energy and other commodity derivatives.

PROFESSIONAL ACTIVITIES

Chair, Finance and Transactions Committee, Energy Bar Association, 2011

Chair, Derivatives, Futures and Securitization Standing Committee of the Corporation,
Finance and Securities Section of the DC Bar

Member, Board of Corporate Counsel Section, State Bar of Texas, 2000-2001

Chair, Board of Governors, Corporate Counsel Section, Virginia State Bar, 1990-1996

PUBLICATIONS


Capturing the Power of Electric Restructuring, ABA, July 2009 (co-author).

"Negotiating The Best Deal For Land Use Agreements: Taxes and other liabilities are potential pitfalls in many contracts," North American Windpower, March 2006 (co-author).

CIVIC ACTIVITIES

Board of Trustees, University of Richmond, 2004-present

Board of Associates, University of Richmond, 1998-2004

Law School Association Board, University of Richmond School of Law, 1996-2000

NEWS

2/15/2012 Janice Moore to Join Panel Discussion at the Energy Bar Association's 15th Annual Midwest Energy Conference

1/25/2012 Pierce Atwood Hosts Power Marketing Challenges & Opportunities Seminar

9/27/2010 Appointments and Promotions

9/21/2010 Moore Joins Pierce Atwood's Energy Group

ALERTS


1/25/2011 Do Banks and Credit Unions Qualify for the End User Exemption?

1/24/2011 Banks and Credit Unions – The Prospects of Qualifying for the End User Exemption from Dodd-Frank’s Swap Regulation

10/21/2010 CFTC Issues Interim Final Rule Regarding Reporting and Record Retention Requirements
Joel J. Schmidt

Vice President, Regulatory and Financial Planning

Experience

- 2010–Present: Vice President, Regulatory and Financial Planning
- 2009-2010: Director, Financial Planning & Analysis
- 2007-2008: Chief Audit, Ethics and Compliance Officer
- 2005-2007: Chief Audit and Risk Officer
- 2002-2004: Managing Director-Business and Financial Performance Alliant Energy Resources
- 1998-2002: Managing Director, China Alliant Energy International
- 1996-1998: Manager of Finance
- 1988-1990: Senior Staff Accountant
- 1985-1988: Auditor/Senior Auditor (Arthur Anderson)

Education

- 1998 M.B.A., University of Iowa
- 1985 B.A., Accounting, University of Iowa and CPA Certification
- Certified Greenbelt

Boards and Committees

- American Institute of Certified Public Accountants
- Board of Directors and Executive Committee, Alzheimer's Association of East Central Iowa
- Professional Accounting Council, University of Iowa
- Board of Trustees, Horizons
- Board of Directors, Hawkeye Council Boy Scouts of America
- Board of Trustees, Junior Achievement
- Board of Directors, Iowa Jobs for America’s Graduates (iJAG)
Chairman Mark Sievers

Mark Sievers was appointed to the Kansas Corporation Commission on May 5, 2011, by Governor Sam Brownback. He was elected Chair of the three-member Commission on May 17, 2011.

Sievers is an experienced senior executive, an economist, and a lawyer experienced in policy development, economic policy analysis, and complex public utility litigation. He worked for Verizon Global Solutions where he was responsible for its international legal and regulatory matters. Prior to joining Verizon he held senior positions at GTE, Sprint and Southwestern Bell where he participated in regulatory proceedings throughout the United States and worked on complex corporate transactions. He was a lawyer in private practice in Washington, DC where he represented several start-up telecommunications firms.

He has also worked for the Utah Attorney General and the California Department of Water Resources. Prior to attending graduate school and law school, he was a police officer for the City of Colorado Springs.

He volunteers at SCORE (Service Corps of Retired Executives) providing advice to small businesses and provides pro-bono legal services to Habitat for Humanity in Teller County, Colorado, an ecumenical Christian organization that builds affordable housing for low-income families.

Sievers' wife of 36 years, Jill, is a lawyer and the Executive Director of Habitat for Humanity in Teller County, Colorado.

He holds a BA in economics from the University of Colorado, an MA and ABD in economics from the University of California, Davis, and a JD from the University of Utah. He is admitted to practice law in Colorado, Missouri, the District of Columbia and the 10th U.S. District Court. He is a graduate of the Leadership Program of the Rockies.

Chairman Sievers' term expires March 15, 2015.
Rich Singer is the project leader for the nuclear site assessment study undertaken in response to the 2010 Iowa legislation to assess nuclear generation feasibility in a carbon constrained environment. Singer was the manager of the company’s interest in Quad Cities Nuclear Power Station and Cooper Nuclear Station for 13 years. In addition, he had nuclear experience with Tennessee Valley Authority, Progress Energy and Black & Veatch Consulting Engineers. Singer’s additional responsibilities at MidAmerican Energy Company include the procurement of generating fleet fuel needs, rail transportation requirements, emission allowances and the sale of renewable energy credits from about 2,000 MW of wind generation assets.

Singer earned a bachelor’s degree in nuclear engineering from the University of Missouri, a master’s degree in mechanical engineering from Kansas State University and a computer science degree from Simpson College.
Karl Stanley
Vice President, Commercial Operations

Karl Stanley serves as Vice President of Commercial Operations for Northern Indiana Public Service Company (NIPSCO).

In this role, Stanley is responsible for all commercial interactions with the customer including the call center, payment and billing, large customer relations, energy efficiency programs and energy supply.

Since joining NiSource in 1998 as a risk manager for the predecessor of EnergyUSA-TPC, Stanley has handled all hedging requirements for the business.

In 2000, he took a position with the NiSource Corporate Risk Management department monitoring and managing various risk factors across the corporation. In 2004, Stanley moved over to NiSource Energy Supply Services where he was responsible for the trading, scheduling and gas accounting functions for NIPSCO and Columbia Gas of Massachusetts (formerly known as Bay State Gas). He was named to his current position in 2010.

Prior to joining NiSource, Stanley was an energy management risk consultant, trader and analyst at the Gelber Group.

Stanley earned a Bachelor of Arts degree from the University of Chicago and a Master’s in Business Administration in Finance from the University of Chicago. He serves on the board of Campagna Academy and is a member of the Northwest Indiana Times Board of Economists.

Stanley is based at NiSource's corporate headquarters in Merrillville, Ind.
Mark A. Thimke, a partner with Foley & Lardner LLP, has been practicing environmental law for over 30 years. He is a member of the firm’s Environmental Regulation and Corporate & Enforcement Practices and the Energy Industry Team. Mr. Thimke works with clients throughout the Midwest on environmental issues, including coal-based power plant air permitting issues in Iowa and Wisconsin. Other work involves complex cleanup of contaminated sediments, enforcement defense and wastewater issues.

Mr. Thimke was selected by his peers for inclusion in The Best Lawyers in America® for environmental law. He was also selected for inclusion in the 2010 edition of Chambers USA: America’s Leading Lawyers for Business, including compliance and enforcement, air regulation and permitting and managing environmental issues in business acquisitions. He is an active member of the Iowa Association of Business & Industry Environment Committee, and speaks frequently at seminars addressing a range of topics. He serves on a number of state advisory committees that address issues such as managing Title V air permitting in the face of U.S. EPA objections and Brownfields redevelopment in an era of declining governmental resources.
Jay Wrobel, Executive Director, MEEA

Mr. Wrobel is the Executive Director of the Midwest Energy Efficiency Alliance. Jay has been with MEEA for over five years. At MEEA, Jay was instrumental in the creation of the HVAC System Analysis for Verified Efficiency (SAVE) program, the Participating Energy Efficiency Contractor (PEEC) network, and designing the State of Illinois appliance rebate program. Jay has over 13 years experience in the energy, efficiency and sustainability fields. In those years, Jay worked at the Gas Technology Institute where he developed and managed projects addressing the economic and environmental impacts of community energy planning, energy efficiency and distributed and renewable energy deployment. He also worked in the Environmental Strategy group at Cambridge Energy Research Associates (CERA) where he analyzed natural gas and power markets, developed forecasts of future technology integration, and served as researcher on climate change issues and environmental strategies for energy companies. Before getting his master’s degree in Energy and Environmental Analysis from Boston University, he was on the trading floor of the Chicago Board of Trade after graduating with an economics degree from the University of Chicago.